

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC PAUL NELSON,

Defendant.

NO. CR15-162RAJ

ORDER CONTINUING
TRIAL DATE

THIS MATTER comes before the Court on the motion of Defendant Eric Paul Nelson, through his appointed counsel C. James Frush, requesting to continue the trial date in this matter. Having considered the motion, the Government's response, and all the files and records herein, the Court finds and rules as follows:

The facts supporting continuing the trial are set forth in Defendant's Motion to set a briefing schedule pertaining to his forthcoming motion to suppress (Dkt. 30) and Defendant's motion to continue the trial date (Dkt. 31), incorporated by this reference, and include the following: (1) the defendant needs additional time to investigate and research any possible suppression issues regarding defendant's arrest and to prepare for trial, (2) defense counsel has long-scheduled travel and health commitments, (3) the Government has long-scheduled travel and other trial commitments, and (4) the defendant has executed a waiver of speedy trial through June 30, 2016, and is being held in custody pending disposition for a series of supervised release violations in case CR95-854RAJ.

1 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
 2 3161(h)(7)(B)(i) and (iv), that failure to grant the continuance in this case would be a
 3 miscarriage of justice, and would deny counsel for the parties the reasonable time necessary
 4 for effective preparation, due to defense counsels' need for more time to prepare a motion to
 5 suppress and for trial, taking into account the exercise of due diligence.

6 THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(6)
 7 and (7), that this is a reasonable period of delay in that the defendant has indicated he requires
 8 more time to prepare for pretrial motions and trial, and the Court finds that more time is, in
 9 fact, necessary.

10 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
 11 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a continuance,
 12 and that they outweigh the best interests of the public and the defendant in a speedy trial.

13 THIS COURT FURTHER FINDS that the time between the date of defendant's motion
 14 and the new trial date of February 16, 2016, is necessary to provide counsel for the defendant
 15 the reasonable time necessary to prepare pretrial motions and for trial.

16 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be continued
 17 from December 21, 2015 until February 16, 2016, at 9:00 a.m. Should the parties require an
 18 additional continuance to accommodate the trial schedule of counsel for the government, as
 19 indicated in the government's response to the motion to continue the trial date, such motion
 20 will be considered.

21 IT IS FURTHER ORDERED that the time between the date of this order and the new
 22 trial date of February 16, 2016, is excluded in computing the time within which a trial must be
 23 held pursuant to Title 18, United States Code, Section 3161, et seq.

24 DATED this 1st day of December, 2015.

25 

26 The Honorable Richard A. Jones
 27 United States District Judge
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